



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 130-1	Subject: INTERSTATE COMMISSION TRANSFERS
Reference: 46-23-1031(1)(a), MCA ; 46-23-1115, MCA	Page 1 of 6
Effective Date: 09/04/01	Revision Dates: 11/15/01; 03/06/04; 03/01/05; 08/01/05; 08/20/07; 04/22/08
Signature / Title: /s/ Ron Alsbury	

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees shall be familiar with the Interstate transfer process and will follow established procedures concerning the transfer of offenders between Montana and other states. All transfers shall be submitted to the Interstate Unit of the Community Corrections Division.

II. DEFINITIONS:

Interstate Commission – A commission made up of representatives appointed by the Governor of each state to ensure the interstate compact is functioning per statute.

Interstate Compact Fee – A fee that is paid by an offender to apply for interstate transfer of his/her supervision to another state.

Receiving State – The state which Montana (MT) is requesting to assume supervision of the offender.

Resident Family – A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who 1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and 2) indicates willingness and ability to assist the offender as specified in the plan of supervision.

Resident – A person who has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision, and intends that such state shall be the person's principle place of residence and has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principle place of residence.

Sending State – The state requesting the transfer of an offender's supervision.

Sex Offender – An adult who is required to register as a sexual offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Subsequent Receiving State – A state, other than the original receiving state, which is requested to assume supervision of the offender.

Substantial Compliance – When an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

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III. PROCEDURES:

A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for a transfer. Before granting consent, the receiving state may investigate the home and prospective employment of offender. The MT Interstate Unit shall be notified by the Probation & Parole (P&P) Officer that the offender is requesting to proceed to the receiving state if a resident or in an emergency situation.

Funds collected from the interstate transfer application fees will be used to pay for Montana's membership fee to the National Commission for Adult Offender Supervision.

- **Conditional Release Offenders**

Refer to *P&P 150-6 Conditional Release of DOC Offenders*

- **Applying for Out-of-State Transfer**

An offender who has three months or more of supervision remaining at the time of application shall be eligible for transfer. Receiving state shall accept supervision if:

1. the offender is in substantial compliance with the terms of supervision in the sending state, and
2. the offender is a resident of receiving state; or
3. the offender has resident family in the receiving state who are willing to assist and have ability to assist the offender and can obtain employment or has means of support; and
4. has a valid plan of supervision.

- **Military Members**

An offender who is a member of the military and has been deployed to another state shall be immediately eligible for reporting instructions and transfer of supervision.

- **Offenders who live with family who are members of the military**

An offender who meets the criteria and who lives with a family member who has been deployed to another state, shall be immediately eligible for reporting instructions and transfer of supervision provided the offender will live with the military member in the receiving state.

- **Employment of family member in another state**

An offender who meets the criteria and whose family member, with whom he or she resides, is transferred to another state by their full-time employer shall be immediately eligible for reporting instructions and transfer provided that the offender will live with the family member in the receiving state.

- **Transfer of supervision of sex offenders**

1. Eligibility for Transfer: At the discretion of the sending state, a sex offender shall be eligible for transfer to a receiving state under the Interstate Compact rules. A sex offender shall not be

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allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state.

2. Application for Transfer: In an application for transfer of supervision of a sex offender, the sending state shall provide all information, if available, to assist the receiving state in supervising the offender:
 - a. Assessment information, including sex offender specific assessments;
 - b. Social history;
 - c. Information relevant to the sex offender's criminal sexual behavior;
 - d. Law enforcement report that provides specific details of sex offense;
 - e. Victim Information:
 - i. the name, sex, age and relationship to offender;
 - ii. statement of the victim or victim's representative;
 - f. The sending state's current or recommended supervision and treatment plan.
3. Reporting Instructions for sex offenders living in the receiving state at the time of sentencing:
 - a. The receiving state shall have five (5) business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - b. No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.

PROCEDURES:

1. A residence and employment plan is submitted to the supervising officer/IPPO when requesting transfer to another state.
2. Offender is informed of the interstate application fee and waiver procedures.

An offender sentenced in the State of Montana is required to pay an Interstate Compact fee of \$50.00 which must be attached to the application and submitted to the MT Interstate Unit. Applications will not be processed without the fee attached. The only acceptable forms of payment are money orders or cashier checks made out to the Department of Corrections (DOC). Offenders incarcerated in a pre-release or correctional facility may have an inmate account check issued to DOC.

The Regional Administrator (RA) or POII may determine the fee will result in a significant financial hardship to the offender and may reduce the fee as a first option or waive the fee as a second option. Using *P&P 130-1(B) Interstate Application Fee Waiver Request*, the RA/POII will recommend approval or denial of fee reduction or waiver and submit to Deputy Compact Administrator. Using *P&P*

RESPONSIBILITY:

Offender

P&P Officer

P&P or ISP Officer
IPPO/Liaison

RA/POII/IPPO

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130-1(B), IPPOs will forward all fee waiver requests to the **Deputy Compact Administrator who has final say in approval or denial of all waivers**. Any failure to pay the Interstate Compact fee without securing a hardship waiver will result in the application being returned.

3. Employment and residence plan in another state is verified and *Transfer Request* completed. (PO Box # is unacceptable for an address.) P&P Officer
4. *Request for Reporting Instructions* is submitted to the MT Interstate Unit **if** the offender is a returning resident, was residing in that state at the time of sentencing or has emergency circumstances. The MT Interstate Unit shall forward reporting instructions to the other state if the requirements are met. All other offenders will remain in MT until the investigation is complete. P&P Officer
5. If an offender is a resident of another state or was residing in that state at sentencing, the offender can be given a seven (7)-day travel permit to return to their resident state. Reporting instructions must be requested within the seven (7) days. When instructions are approved, the Officer will forward the interstate transfer packet to the MT Interstate Unit within five (5) days. The *Interstate Offender's Application for Interstate Compact Transfer* must be signed by offender **prior** to their departure. If offender refuses to sign any form, a travel permit will not be issued. P&P Officer
6. The Interstate Compact fee of \$50 is collected from the offender and attached to the *Offender's Application for Interstate Compact Transfer*. If *P&P 130-1(B) Interstate Application Fee Waiver Request* has been approved by Deputy Compact Administrator, the original request must be attached to the application and a copy placed in offender's field file. P&P Officer

Offender will receive a receipt for the amount paid.
7. If offender is being sent to the receiving state on reporting instructions, *P&P 80-1 (A) Travel Permit* is issued in accordance with *P&P 80-1 Travel Permits/In-State & Out-of-State*, which includes reporting instructions obtained from the receiving state. A copy is retained in the field file. The Officer then completes the *Notice of Departure*. P&P Officer
8. **One** Interstate application packet must be submitted to the MT Interstate Unit. In the case of an emergency circumstance, the packet must be submitted within three (3) days. For offenders that are residents of the receiving state, the packet must be submitted within five (5) days. The packet should include:
♦ *Offender's Application for Interstate Compact Transfer*, original P&P Officer

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- ◆ *Transfer Request*, original
- ◆ \$50.00 money order for application fee or *130-1 (B) Interstate Application Fee Waiver Request* (if applicable), original
- ◆ Yellow copy of offender receipt for payment
- ◆ *Request for Reporting Instructions* (if applicable), original. If instructions are given, the receiving state assumes responsibility for supervision until the offender is accepted or rejected for placement.
- ◆ *P&P 80-1 (A) Travel Permit*
- ◆ Judgment (original sentences and all revocations)
- ◆ Information
- ◆ Pre-sentence Investigation or similar information from other reports
- ◆ Psychological reports, if available
- ◆ Medical condition which requires medication
- ◆ Criminal history
- ◆ Current supervision history
- ◆ Conditions of supervision
- ◆ Photograph
- ◆ Sexual/Violent offender information
- ◆ Fine/Restitution information
- ◆ Victim Information – on victim sensitive cases if victim wants notification only. Any orders restricting contact.

9. A procedure will be established to transfer funds from the MT Interstate Unit to the DOC Central Services Division.

Interstate Administrative
Assistant/Central
Services Division

Records are maintained to ensure funds are appropriately collected and distributed.

Central Services Division
Deputy Compact
Administrator

10. *Transfer Request* will be processed and forwarded to receiving state within five (5) calendar days for residents and three (3) calendar days for emergency cases.

MT Interstate Unit

11. ACIS movement shall be completed when offender is accepted by the receiving state.

MT Interstate Unit

12. For **PROBATIONERS**: Forward field file to sentencing jurisdiction when offender is officially accepted for supervision by receiving state.

P&P Officer

For **PAROLEES** and **CONDITIONAL RELEASE OFFENDERS**: Forward field file to MT Interstate Unit when offender is officially accepted by receiving state.

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13. **Subsequent Receiving State Transfers**

P&P Officer

Complete the following forms and submit originals to the MT Interstate Unit (copies for field file):

- *Request for Reporting Instructions*
- *Offender's Application for Interstate Compact Transfer*

If reporting instructions are received, complete the *Progress Report* and issue *P&P 80-1 (A) Travel Permit*.

Once a date has been established for departure, complete *Notice of Departure* and forward all originals to the MT Interstate Unit and place a copy in the offender's field file.

IV. CLOSING:

Questions concerning this procedure shall be directed to the RA or the Deputy Compact Administrator.

Forms

Interstate	Notice of Departure
Interstate	Offender's Application for Interstate Compact Transfer
Interstate	Progress Report
Interstate	Request for Reporting Instructions
Interstate	Transfer Request
P&P 80-1 (A)	Travel Permit
P&P 130-1 (B)	Interstate Application Fee Waiver Request